

Testimony before the Environment Committee of the Connecticut General Assembly  
February 27, 2015

**Raised Bill No. 941, An Act Delaying Implementation of Certain Standards and Sampling Requirements upon the Detection of Pollutants Causing Contamination of Soil, Groundwater or Public or Private Drinking Water Wells**

I am Elizabeth C. Barton, a partner in the Real Estate, Environmental, Land Use practice at the law firm of Day Pitney LLP. Day Pitney's nine regional offices include offices in Hartford, West Hartford, New Haven, Stamford, and Greenwich, Connecticut. I have been practicing environmental law for over 30 years.

Raised Bill 941 further extends the effective date for certain provisions of Public Act No. 13-308 from July 1, 2015 to July 1, 2017. Simply stated, this extension is warranted and appropriate because the premise for, and the assumption behind, the legislature's determination in 2013 to delay the effective date of the referenced provisions of Public Act No. 13-308 until July 1, 2015 have not occurred and cannot reasonably be expected to occur by July 1, 2015.

In 2013, many members and private sector representatives of industry and the business community in Connecticut testified against the provisions of Public Act No. 13-308 which expand the triggers for, and the programmatic requirements applicable to, notifications of significant environmental hazards pursuant to Section 22a-6u. These interests testified that the triggers requiring the filing of a notification with the Department of Energy and Environmental Protection under Section 22a-6u and the increased stringency of these triggers under Public Act No. 13-308 lacked adequate technical support. Further, significant concerns were expressed about putting in place pursuant to Public Act No. 13-308 a program that would increase the number of filings under Section 22a-6u and add to the requirements imposed upon anyone reporting a significant environmental hazard under Section 22a-6u without either making provision for the agency resources to timely review, respond to and close out these filings or having in place regulations making clear when someone filing a notification of a significant environmental hazard under Section 22a-6u had met their obligation to close out the notification.

Since the prerequisites to the revisions to Section 22a-6u in Public Act No. 13-308 taking effect, which prerequisites were recognized and acknowledged in 2013, have not yet occurred, the effective date for these revisions should and must be further extended as provided for in Raised Bill 941.

Thank you.